

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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UNITED STATES OF AMERICA	:	CASE NO. 1:04 CR 582
	:	
Plaintiff	:	
	:	
-VS-	:	
	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
JOHN P. PAPA	:	<u>AND JUDGMENT AND NOTICE OF</u>
	:	<u>HEARING</u>
Defendant	:	
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UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of John P. Papa which was referred to the Magistrate Judge with the consent of the parties.

On 23 November 2004, the government filed a seven-count indictment against John P. Papa for conspiracy to manufacture, in violation of 18 U.S.C. § 371; manufacture of percholate explosives, in violation of 18 U.S.C. §§ 842(a)(1), 2 and 844(a); conspiracy to transport in foreign or interstate commerce 1.3g of explosives, in violation of 18 U.S.C. § 842(i)(1)(2); and aiding and abetting the transportation and receipt of 1.3g explosive materials in interstate commerce by a convicted felon, in violation of 18 U.S.C. § 842(i)(1). On 8 December 2004, a hearing was held in which John P. Papa entered a plea of not guilty before Magistrate Judge Nancy A. Vecchiarelli.

On 12 August 2005, Magistrate Judge William H. Baughman, Jr. received John P. Papa's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. John P. Papa is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, John P. Papa is adjudged guilty of Counts Seven, Eight, Nine and Ten in violation of 18 U.S.C. § 842(i)(1).

Sentencing will be on 31 October 2005 at 2:00 p.m. in Courtroom 18-A, 18th Floor, the United States District Court, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Dated: 3 October 2005